

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:05CV48**

**TODD CRISP,**

**Plaintiff,**

**Vs.**

**MICKEY LAFONE; KATHY  
ROSENFELD, and BAKER  
FURNITURE,**

**Defendants.**

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**ORDER OF DISMISSAL**

**THIS MATTER** is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed April 19, 2005.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in the captioned civil action and to submit to this Court recommendations for the disposition of these motions.

On April 19, 2005, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the Defendants' motions to dismiss. Counsel for the parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days after service of the Recommendation. The period within which to file objections expired

on May 6, 2005. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that all of the Defendants' motions to dismiss be allowed.

**IT IS, THEREFORE, ORDERED** that the motions of Defendants Mickey Lafone, Kathy Fehsenfeld (incorrectly named as Kathy Rosenfeld) and Baker Furniture are **ALLOWED**, and this case is hereby **DISMISSED WITH PREJUDICE** in its entirety.

**Signed: May 9, 2005**

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

